

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

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FACSIMILE COVER SHEET

Deliver to: Allen C. Ho Art Group: 2882
Company Name: USPTO
Facsimile No.: (703) 872-9306 Date: October 28, 2003
From: Joseph Lutz, Reg. No. 43,765
Our Docket No.: 5926P010 Number of pages 7 including this sheet.
Application: 10/022,150 Filing Date: 12/13/2001

Subject

COMMUNICATION re Amendment to Claim 6

Remarks

In accordance with our telephone conversation, attached is a copy of the 3 page Communication, along with copy of postcard, Transmittal Form and Fee Transmittal, which was sent via first class U.S. mail to the PTO, Mail Station AF, on October 27, 2003.

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Application No. 10/272 150 Filing Date 12/13/2001 BSTZ Offset # 005025 P010 Applicant BLAKELY
 Only Mailed 10/27/2002 Dealer Due Date 10/27/2002 Check REGISTRATION AND FEE
 Title X-Ray Diffractometer

Inventor(s) Feigster, Andrew

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

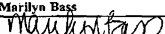
<input type="checkbox"/> Amendment (<u> </u> pgs)	<input type="checkbox"/> Information Disclosure Statement & PTO/SB08 (<u> </u> pgs)
<input type="checkbox"/> Appeal Brief & two copies (<u> </u> pgs)	<input type="checkbox"/> Issue Fee Transmittal (original & copy)
<input type="checkbox"/> Application (<u> </u> pgs) w/ cover & abstract	<input type="checkbox"/> Nonpublication Request Under 35 U.S.C. 122(t)(2)(B)(i)
<input type="checkbox"/> Application Amended to Reflect Claim of Priority	<input type="checkbox"/> Notice of Appeal
<input type="checkbox"/> Assignment & Cover Sheet (<u> </u> pgs)	<input type="checkbox"/> Petition for <u> </u>
<input checked="" type="checkbox"/> Certificate of Mailing	<input type="checkbox"/> Request for Continued Examination (RCE)
<input type="checkbox"/> Continued Prosecution Application (CPA)	<input type="checkbox"/> Reply Brief (<u> </u> pgs)
<input type="checkbox"/> Declaration & Oath (<u> </u> pgs)	<input type="checkbox"/> Request to Reconsider Previous Nonpublication Request
<input type="checkbox"/> Drawings (<u> </u> sheets, <u> </u> figures)	<input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter
<input type="checkbox"/> Express Mail No. <u> </u>	<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Extension of Time (<u> </u>)	<input type="checkbox"/> Transmittal of Formal Drawings
<input checked="" type="checkbox"/> Fee Transmittal (original & copy)	<input type="checkbox"/> Transmittal of Publication Fee Due
<input checked="" type="checkbox"/> Other <u>Continuation (in process)</u>	<input checked="" type="checkbox"/> Transmittal Letter
<u>Return Request Postage</u>	<input type="checkbox"/> Check No. <u> </u> in the Amount of <u> </u>
LA <u> </u>	<input type="checkbox"/> Check No. <u> </u> in the Amount of <u> </u>

Assignee: PANALYTICAL S.V.
 Foreign Applicant Name: Blakely and Feigster
 02/2003

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application No.	10/022,150
		Filing Date	December 13, 2001
		First Named Inventor	Paul F. Fewster
		Art Unit	2882
		Examiner Name	Allen C. Ho
Total Number of Pages in This Submission		6	Attorney Docket Number
			5926P010

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.62 or 1.63	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> Communication Return Receipt Postcard </div>
Remarks		


SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Joseph Lutz, Reg. No. 43,765
Signature	BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Date	October 27, 2003

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.			
Typed or printed name	Marilyn Bass		
Signature		Date	October 27, 2003

Based on PTO/SB/21 (09-03) as modified by Blakely, Sokoloff, Taylor & Zafman (M) 009/1/2003.
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

FEE TRANSMITTAL for FY 2003		<i>Complete if Known</i>	
Effective 01/01/2003. Patent fees are subject to annual inflation.		Application Number	10/022,150
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. TOTAL AMOUNT OF PAYMENT (\$)		Filing Date	December 13, 2001
		First Named Inventor	Paul F. Fewster
		Examiner Name	Allen C. Ho
		Group/Art Unit	2882
		Attorney Docket No.	5926P010

METHOD OF PAYMENT (check all that apply) <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input checked="" type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account Deposit Account Number: <u>02-2666</u> Deposit Account Name: <u>Blakely, Sokoloff, Taylor & Zafman LLP</u> The Commissioner is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.23 <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-designated deposit account	FEE CALCULATION (continued) 3. ADDITIONAL FEES <table border="1" style="width: 100%;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr> <td>1051</td> <td>130</td> <td>2051</td> <td>65</td> <td>Burden charge - late filing fee or each</td> <td></td> </tr> <tr> <td>1052</td> <td>80</td> <td>2052</td> <td>25</td> <td>Burden charge - late provisional filing fee or cover sheet</td> <td></td> </tr> <tr> <td>2053</td> <td>130</td> <td>2053</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>1812</td> <td>2,520</td> <td>1812</td> <td>2,820</td> <td>For filing a request for SIF prior to Summer session</td> <td></td> </tr> <tr> <td>1804</td> <td>800 *</td> <td>1804</td> <td>800 *</td> <td>Requesting publication of SIF prior to Summer session</td> <td></td> </tr> <tr> <td>1805</td> <td>1,840 *</td> <td>1805</td> <td>1,840 *</td> <td>Requesting publication of SIF after Summer session</td> <td></td> </tr> <tr> <td>1251</td> <td>110</td> <td>2251</td> <td>85</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>1252</td> <td>40</td> <td>2252</td> <td>210</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>1253</td> <td>80</td> <td>2253</td> <td>475</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>1254</td> <td>1,480</td> <td>2254</td> <td>740</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>1255</td> <td>1,210</td> <td>2255</td> <td>605</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>1404</td> <td>300</td> <td>2401</td> <td>165</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>1402</td> <td>300</td> <td>2402</td> <td>165</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>1408</td> <td>200</td> <td>2403</td> <td>145</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>1451</td> <td>1,510</td> <td>2451</td> <td>1,510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>1462</td> <td>110</td> <td>2462</td> <td>55</td> <td>Petition to revive - unavoidable</td> <td></td> </tr> <tr> <td>1488</td> <td>1,330</td> <td>2463</td> <td>66</td> <td>Petition to revive - unintentional</td> <td></td> </tr> <tr> <td>1601</td> <td>1,330</td> <td>2601</td> <td>666</td> <td>Utility issue fee (or release)</td> <td></td> </tr> <tr> <td>1602</td> <td>480</td> <td>2602</td> <td>240</td> <td>Design issue fee</td> <td></td> </tr> <tr> <td>1603</td> <td>640</td> <td>2603</td> <td>320</td> <td>Plant issue fee</td> <td></td> </tr> <tr> <td>1400</td> <td>130</td> <td>2400</td> <td>130</td> <td>Petitions to the Commissioner</td> <td></td> </tr> <tr> <td>1607</td> <td>80</td> <td>1607</td> <td>80</td> <td>Processing fee under 37 CFR 1.17(a)</td> <td></td> </tr> <tr> <td>1608</td> <td>180</td> <td>1608</td> <td>180</td> <td>Submission of Information Disclosure Sheet</td> <td></td> </tr> <tr> <td>8021</td> <td>40</td> <td>8021</td> <td>40</td> <td>Reassigning each patent assignment per property (times number of properties)</td> <td></td> </tr> <tr> <td>1839</td> <td>770</td> <td>1839</td> <td>365</td> <td>Filing a submission after final rejection (37 CFR § 1.123(a))</td> <td></td> </tr> <tr> <td>1810</td> <td>770</td> <td>2810</td> <td>365</td> <td>For each additional invention to be examined (37 CFR § 1.126(b))</td> <td></td> </tr> <tr> <td>1801</td> <td>770</td> <td>2801</td> <td>365</td> <td>Request for Continued Examination (RCE)</td> <td></td> </tr> <tr> <td>1802</td> <td>930</td> <td>1802</td> <td>930</td> <td>Request for expedited examination of a design application</td> <td></td> </tr> </tbody> </table> Other fee (specify): _____	Large Entity		Small Entity		Fee Description	Fee Paid	Fee Code	Fee (\$)	Fee Code	Fee (\$)	1051	130	2051	65	Burden charge - late filing fee or each		1052	80	2052	25	Burden charge - late provisional filing fee or cover sheet		2053	130	2053	130	Non-English specification		1812	2,520	1812	2,820	For filing a request for SIF prior to Summer session		1804	800 *	1804	800 *	Requesting publication of SIF prior to Summer session		1805	1,840 *	1805	1,840 *	Requesting publication of SIF after Summer session		1251	110	2251	85	Extension for reply within first month		1252	40	2252	210	Extension for reply within second month		1253	80	2253	475	Extension for reply within third month		1254	1,480	2254	740	Extension for reply within fourth month		1255	1,210	2255	605	Extension for reply within fifth month		1404	300	2401	165	Notice of Appeal		1402	300	2402	165	Filing a brief in support of an appeal		1408	200	2403	145	Request for oral hearing		1451	1,510	2451	1,510	Petition to institute a public use proceeding		1462	110	2462	55	Petition to revive - unavoidable		1488	1,330	2463	66	Petition to revive - unintentional		1601	1,330	2601	666	Utility issue fee (or release)		1602	480	2602	240	Design issue fee		1603	640	2603	320	Plant issue fee		1400	130	2400	130	Petitions to the Commissioner		1607	80	1607	80	Processing fee under 37 CFR 1.17(a)		1608	180	1608	180	Submission of Information Disclosure Sheet		8021	40	8021	40	Reassigning each patent assignment per property (times number of properties)		1839	770	1839	365	Filing a submission after final rejection (37 CFR § 1.123(a))		1810	770	2810	365	For each additional invention to be examined (37 CFR § 1.126(b))		1801	770	2801	365	Request for Continued Examination (RCE)		1802	930	1802	930	Request for expedited examination of a design application	
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SUBMITTED BY		<i>Complete (if applicable)</i>	
Name (Print/Type)	Joseph Lutz	Registration No. (#Bar/Agency)	43,765
Signature		Telephone	(310) 207-3800
		Date	10/27/03

Based on PTO/USPTO (06-02) as modified by Blakely, Sokoloff, Taylor & Zafman (with) 05/11/2003
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

REPLY UNDER 37 CFR 1.116
EXPEDITED PROCEDURE
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Attorney Ref.: 5926P010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application for:

Paul F. Fewster et al.

Serial No.: 10/022,150

Filed: December 13, 2001

For: X-RAY DIFFRACTOMETER

Examiner: Allen C. Ho

Art Group: 2882

COMMUNICATION

Mail Stop AF
Commissioner for Patents
P. O. 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's proposed amendment to Claim 6, Applicants respectfully request entry of the amendments set forth below and consideration of the remarks that follow.

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